IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1314 OF 2004

Shalimar Hotel Pvt. Ltd. .. Petitioner.
Vs.
Greater Bombay Municipal
Corporation & Ors. .. Respondents.

Mr.D.B.Sawant for the petitioner.
Mr.M.D.Patil for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 17TH FEBRUARY, 2005

P.C.:

. Heard Mr.Sawant, learned counsel for the petitioner and Mr.Patil, learned counsel for the respondents.

2. The petitioner has challenged the findings recorded by the Small Causes Court in the impugned order on issue no.2. Issue no.2 reads thus:

> "2. In the given set of facts and circumstances and in pursuance to the guidelines given by the Hon'ble Supreme Court in the decision in Civil Appeal No.1278 to 1287 of 1977 whether the petitioner is entitled to claim the Interest if any ?"

. This issue was answered in negative on the

basis of the observations made by the Apex Court in the second last paragraph of the judgment dated 2nd May, 1994 rendered in Civil Appeal Nos.1278-1287 of 1977. The relevant observations in the said paragraph reads thus:

> ".... .... That no interest is payable on the amount of compensation to be ordered to be paid, shall, however, be noted".

3. Mr.Sawant, learned counsel for the petitioner submits that the amount of Rs.17,138/- which the petitioners are entitled for, was deposited in 1968 and on his request it was deposited in fixed deposit and hence he is entitled for interest accured on the amount. I am unable to accept the submission of Mr.Sawant in view of the aforementioned observations in the judgment of the Apex Court. It was made clear that no interest would be payable on the amount of compensation to be ordered to be paid. The amount of compensation to be paid is only Rs.17,138/- and, therefore, on that amount deposited in 1968 the petitioner cannot claim interest accrued. I find no merit in the writ petition. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)